

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested. Claim 14 has been canceled without prejudice. Claims 5-13 and 15-21 are currently pending in this application.

Claim Rejections Under 35 U.S.C. § 102

Claims 5-14 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the Bowman '491 Patent. The Assignee respectfully traverses this rejection.

First of all, Bowman is distinguishable from the amended claim 5 in that Bowman is directed to a floor box to be used below a building floor (e.g., a computer room floor) in which to plug in electrical cords or cables. In essence, Bowman appears to be no more than an electrical outlet box running along/below the floor. (Bowman, column 1, 10-15) Further, the floor box in Bowman is to be used for cables underneath the floor. In contrast, claim 5, as amended, recites a “method for using a cable management device capable of carrying and at least partially concealing a length of cable.” That is, the cable management device is to be used for managing/organizing cables running along the floor and partially concealing certain lengths of those cables. (Specification, page 2, lines 8-19) Bowman, therefore, is distinguishable from claim 5, as amended.

In addition, Bowman fails to disclose or teach a tray having a notch at the upper portion and a notch at the lower portion of the tray as recited in claim 5, as amended. Instead, Bowman merely proposes having one set of openings 60 at the upper portion of the cover 50. (Bowman, column 4, lines 1-3; Fig. 3). These openings 60 are provided merely to provide access for the wire connectors 61 to connect with cable heads 62. The wire connectors 61 need to be routed *through* the openings 60 to connect with the cable heads 62. (Bowman, column 4, lines 1-10) In contrast, the notches of the present invention are provided on the upper portion and the lower portion of the tray so that one or more cables arranged in the tray could be easily routed into or out of the tray through these notches. (Specification, page 7, lines 3-8) For example, the cable may be routed out of the tray by simply placing the cable on one notch and out of the tray. The same cable may be routed into the tray again by simply placing another part of the cable on

another notch and into the tray. (Specification, page 9, lines 1-8, Fig. 5) Thus, unlike Bowman, it is not necessary to push the cable through the notch to route the cable into or out of the tray.

Furthermore, Bowman fails to disclose or teach the step of “determining if the notch at the upper portion of the tray is to be used to pass the length of cable and, if so, routing the length of cable through the upper portion notch” as recited in claim 5, as amended. In contrast, Bowman proposes that openings 60 of the cover 50 are for receiving wire connectors 61. These wire connectors or receptacles 61 are of the type shown in US Patent No. 4,857,016. Further, Bowman specifically states that the wire connector 61 is adapted to receive a cable head 62 also shown in the ‘016 patent. (Bowman, column 4, lines 1-10). No option appears to be given in Bowman to determine whether the wire connectors 61 are to be routed through the openings 60. In fact, providing an option to determine whether the wire connectors 61 are to be routed through the openings 60 would seem to contradict the intended purpose of Bowman, i.e., to connect each wire connector 61 with a cable head 62. Unlike claim 5, Bowman appears to require each wire connector 61 to be connected to a cable head 62 through the opening 60. Hence, Bowman does not teach or disclose the step of “determining if the notch at the upper portion of the tray is to be used to pass the length of cable and, if so, routing the length of cable through the upper portion notch” as recited in claim 5, as amended.

Claim 5, therefore, is clearly distinguishable from Bowman for the above reasons. Claims 6-10 are believed to be patentable over Bowman also since they depend from claim 5.

Like claim 5, claim 11 is distinguishable from Bowman in that Bowman does not teach or disclose a “method for managing and at least partially concealing a length of cable.” As stated above, the method recited in claim 11 is directed to managing and partially concealing a length of cable that is running across the floor, e.g., along the corner of a wall. (Specification, page 2, lines 8-19) Rather, Bowman is specifically directed to a floor box to be used underneath the floor, such as a computer room floor. The floor box in Bowman clearly is not intended to be used for concealing a cable since the cable would already be concealed by the floor itself. Hence, Bowman is distinguishable from claim 11, as amended.

Likewise, Bowman fails to disclose or teach the step of “providing an elongated tray including . . . a first notched section continuous with the first surface . . . and . . . a second notched section continuous with the second surface” as recited in claim 11, as amended. As stated above, Bowman proposes having openings 60 only at the upper portion of the cover 50.

Thus, claim 11 is also patentable over Bowman, and claims 12-13 are also patentable over Bowman since they depend from claim 11.

Claims 5, 7-11, 13 and 14 are also rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Siemon. The Assignee traverses this rejection and believes that Siemon does not anticipate the claims. Nevertheless, an affidavit according to 37 C.F.R. 1.131 is enclosed to show that Applicant conceived and reduced to practice the subject matter of claims 5-14 prior to the publication of Siemon. Consequently, Siemon is no longer available a 102(b) prior art.

Claim Rejections Under 35 U.S.C. § 103

Claims 6 and 12 are also rejected as allegedly being unpatentable over Siemon in view of the Newhouse '923 patent. The Assignee respectfully traverses this rejection.

As explained above, Siemon is not a 102(b) prior art reference. Thus, it is also not available as a 103 prior art reference.

Nevertheless, the Office Action conceded that Siemon fails to teach or disclose a cover having a port. The Office Action, further attempts to supplement Siemon with Newhouse since Newhouse proposes a cover with a port wherein the cable can be connected to the port. (Office Action, page 3, paragraph 6) Even if Newhouse proposes a cover with a port wherein the cable can be connected to the port, Newhouse, however, does not teach or disclose all the limitations of claims 5 and 11, as amended. For example, Newhouse still fails to teach or disclose:

- “a tray with a notch at an upper portion and a notch at a lower portion of the tray” as recited in claim 5, as amended;
- “determining if the notch at the upper portion of the tray is to be used to pass the length of cable and, if so, routing the length of cable through the upper portion notch” as recited in claim 5, as amended; and
- “providing an elongated tray including . . . a first notched section continuous with the first surface . . . and . . . a second notched section continuous with the second surface” as recited in claim 11, as amended.

Since Newhouse fails to disclose or teach or suggest the limitations of claims 5 and 11, those claims are patentable over Newhouse. Claims 6 and 12, therefore, are also patentable over Newhouse since they depend from claims 5 and 11.

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For all of the foregoing reasons, Assignee believes that claims 5-13 and 15-21 in this application are in condition for allowance and requests that they be allowed to issue. If for any reason the Examiner believes that contacting Assignee's attorney would advance the prosecution of this application, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

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